IN THE HIGH COURT OF JUDICATURE FOR

RAJASTHAN AT JODHPUR

::::

O R D E R

Shankar Lal Bamniya
Vs.
The State of Rajasthan.

S.B. CIVIL WRIT PETITION NO.3318/2003 UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA.

DATE OF ORDER :: 04th December, 2006

PRESENT

HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Mr.Rajesh Shah, Advocate for the petitioner.
Mr.Rameshwar Dave, Dy. Govt. Advocate.

BY THE COURT

Learned counsel for the parties do not dispute that the controversy raised in this petition is covered by a Division Bench judgment of this Court in D.B. Civil Special Appeal (W)

No.350/2000 (Devi Singh Vs. State of Rajasthan & Ors.), reported in 2004 (2) CDR 924 (Raj.) wherein it was held that the selection grade cannot be withheld merely on account of imposition of penalty of censure.

The present writ petition is therefore allowed in terms of the aforesaid judgment. The respondents are directed to consider the case of the petitioner for grant of selection scale ignoring the penalty of censure imposed vide Annexure-4 dated 11/12th November, 2002 and pass a necessary order granting the benefit of selection scale to the petitioner on completion of period of nine years with all consequential benefits within two months from the date of receipt/service of copy of this judgment.

[MOHAMMAD RAFIQ],J.

AKC.